

Delphic Elementary School

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BOARD OF TRUSTEES

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March 14, 2009

HONORABLE LAURA MASUNAGA, Presiding Judge
Siskiyou County Superior Court
311 Fourth Street
Yreka, California 96097

Your Honor:

Pursuant to Penal Code 933.05, the Board of Trustees of Delphic Elementary School and the Superintendent/Principal submits additional responses as requested by the 2008-2009 Civil Grand Jury as it relates to the 2007-2008 Grand Jury Report.

The Grand Jury investigated and reported on the Delphic Elementary School. Delphic Elementary School responded to the Grand Jury Report in a letter dated November 18, 2008; however, the Grand Jury has requested an additional response. This is our second response to the 2007-2008 Grand Jury Report.

We at Delphic Elementary School have always had the students as our top priority. Our entire staff strives to provide the very best education we possibly can. Following the death of her husband, on September 28, 2008, the Superintendent returned back to the school campus, frequently working over twelve hours per day.

The Superintendent will be forever grateful to those who opened their minds and found a way for her to continue to do her job using modern technology and still care for her husband during his last days.

The Superintendent and School Board wish to thank the Grand Jury for all its time and efforts. It has never been our desire to be out of compliance on any matter. The Superintendent has always striven for perfection and will continue to do so. She has her

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full attention on Delphic Elementary School and its children. We have found all your Findings and Recommendations to be minor and mostly a matter of semantics, making them easy to remedy. Here is the formal response from the School Board and Superintendent/Principal.

FINDINGS:

1. The staff, administration, and Board were all very cordial in the interview process and helpful in providing the information we requested (if available). We appreciate their cooperation and assistance with this investigation.

We agree that the staff, administration, and Board treated you with kindness and provided you with everything requested.

2. The administrative staff expressed an interest in making any necessary changes to improve the school.

We agree that the administration has always striven for perfection and in making Delphic Elementary School the very best school possible.

3. Almost all people interviewed stated that the 2006-2007 Grand Jury report was upsetting. Some indicated they felt it was unnecessarily hurtful.

We agree that the 2006-2007 Grand Jury was rude, unprofessional, and unethical to the honest people at Delphic Elementary School. The 2006-2007 Grand Jury investigations was a travesty of justice in Siskiyou County.

4. There is an intense fear that the school might be closed or that a change may take place to transition the current Principal/Superintendent position to a shared Superintendent with other schools. The small school atmosphere enables the students needing a smaller nurturing environment to excel. The school personnel express their wish to preserve this atmosphere and fear any other administrative structure might lead to the school's demise.

We partly agree. It is not an intense fear, maybe an underlining fear. At times, there have people who have tried to shut little schools down in Siskiyou County. Little schools have had to fight to exist.

5. Board policies, administrative regulations, and board by-laws provide direction for the school's operation. The majority of the school board policies, administrative regulations, and board by-laws viewed from Delphic are dated 1997. California laws and subsequently the board policies are continually

changing. Schools have regular board policy updates available for modification and adoption through the California School Boards Association. Most schools adopt applicable updates on an annual basis.

Yes, we agree that Board Policies provide direction for the school's operation. We feel that Delphic Elementary School has always remained current and made updates as policies changed. However, we never felt the need to continually recopy the hundreds and hundreds of pages just to change the date at the bottom of every page in our policy book. It doesn't mean that we have not stayed current.

6. The Brown Act of California was enacted to prevent public commissions and boards from discussing topics out of the public view. Through numerous court cases it has evolved to provide a true transparency for the public to see the discussions and activities of such public boards. There are a few narrowly defined, restricted topics which can be discussed in closed session. These relate to confidentiality of students, protection of the district in negotiations with personnel or other parties, and consultation with legal counsel. The Delphic School Board agendas of the past three years show many Brown Act violations. The Board and administration are out of date in their knowledge of the current Brown Act.

We partly agree. The Brown Act of California was enacted to prevent discussing topics out of the public view. We disagree that the Delphic Elementary School Board is out of date in their knowledge of the Brown Act. We have contacted CSBA and now have the proper wording for the Agenda item that was in violation.

7. Written evaluations of the employees have not been done for many years. The Superintendent is not permitted to evaluate employees because she lacks an administrative credential. For a school of this size, by law, the principal/superintendent is not required to have an administrative credential, yet having an administrative credential allows one to evaluate all employees. A California preliminary administrative credential can be obtained by taking a two-day preparation course and then passing an examination. Excluding traveling costs, the expense for this is less than \$1000. Additionally, the Board has not performed any written evaluations of the Principal/Superintendent in the last three years of minutes examined. Last year's Grand Jury found the Principal/Superintendent evaluation had not been performed for many years prior to the three years we examined. Her personnel file did not contain any evaluations. Delphic's Board Policy 2123 requires an annual evaluation of the Principal/Superintendent. Evaluations are critical for successful monitoring and mentoring of all employees.

We agree.

8. The discrepancy between the 2006-2007 Grand Jury report and Delphic School response concerning Principal/Superintendent salary was mostly in the method of reporting. The compensation package for the 2006-2007 year was: salary \$41,718, superintendent stipend \$15,000, and health benefits \$13,212. The compensation package for the 2007-2008 year is: salary \$42,218, Superintendent stipend \$15,000, and health benefits \$15,723.

We agree. It is important, when putting figures in the public eye, a universal method is used. When comparing workers' salaries in California, health benefits are not added as income. It also needs to be noted that the Superintendent does not always take the stipend. As you can see, the Superintendent's salary is one of the lowest in California and we felt the 2006-2007 Grand Jury was just trying to inflate the figure and mislead the public.

9. Members of the Grand Jury observed the Principal/Superintendent using her time tending to duties outside the scope of her primary responsibilities. As the Principal/Superintendent has responsibilities requiring her attention, delegation of certain tasks (such as computer maintenance) would be prudent.

We disagree. The Superintendent's job description reads as follows:

"The Governing Board expects the administration to promote the creation of the best possible educational program and to maintain an environment conducive to learning. The Superintendent/Principal shall provide the vision and educational leadership in this effort and shall give top priority to meeting the needs of all students and actively helping teachers raise academic achievement."

Sometimes that may mean repairing computers. Because we have a small school, with a limited budget and staff, it is sometimes necessary for the Superintendent/Principal to attend to tasks that would not normally fall within the normal course of an administrator's day. There are days when the Superintendent will be found scrubbing the toilets. The Superintendent has always gone far above and beyond her job description. We feel that is the sign of a good employee. We all wear many hats in order for our small school to operate and financially survive. Every dollar we can save puts another dollar towards the children's education.

10. The number of days the Principal/Superintendent spends on campus was in question between the 2006-2007 report and district's response. After speaking with staff and board members, it was determined that prior to this year she was usually at the site two weeks, then absent for two weeks, but available by

telephone and email. This year the Principal/Superintendent has had a long-term family emergency which necessitated her absence from the site for most of 2008. The Board and Principal/Superintendent agreed the current school management situation is considerably less than ideal. However, it was expressed that as no one held her accountable in the past, this year was not the proper time to do so. During the course of the investigation one staff member commented on the topic, "this year does not count." It is the opinion of the Grand Jury that this year counts for each and every child at Delphic School.

We strongly disagree. The Superintendent was never "absent" from her duties. It was the Superintendent that answered, "this year doesn't count." This was in answer to a question and was taken out of context and certainly does not reflect the Board's or Superintendent views or actions as it relates to our dedication to provide a quality education to every student in what we believe to be a wonderful learning environment.

11. The Grand Jury reviewed the sick leave files of one employee. Signed absence reports were cross checked with a spreadsheet of remaining sick leave balances. The spreadsheet balances have a direct effect upon employee retirement benefits. Discrepancies were found in five of the fourteen years examined. For example, September 5, 2005 was Labor Day, yet the employee examined show that the employee used one-half day of sick leave on that date and that it was signed off by administration. The spreadsheet shows that three days of sick leave were used in the 1996-1997 school year, yet no signed absence forms were in the file. The greatest discrepancy is in the 2000-2001 school year. The spreadsheet shows no use of sick leave for that year, yet the file contains signed absence forms for a total of twenty-three days: one being a personal necessity day, fourteen days with no reason indicated, and eight days for bereavement leave. Bereavement leave is not deducted from the sick leave balance unless the number of bereavement days used exceeds that allowed by law or contract.

We partly agree. The file that had the discrepancies belonged to the Superintendent. That Sick Leave file was faxed and missing the page explaining the missing data. When the Superintendent began at Delphic Elementary School, there were no sick leave records. The system we use has evolved because we saw a need. There are no rules or regulations to judge. We devised the system ourselves and make changes as necessary.

12. While investigating the availability of the Principal/Superintendent, it was reported to the Grand Jury during numerous interviews that the Principal/Superintendent spends an insufficient amount of time on campus. This absence makes her unavailable to supervise staff and students, or respond immediately to needs of parents, students, service providers, or staff in person.

We disagree. Ed. Code states a Superintendent is only required to be on campus one day a year. If the Superintendent was not on campus, the Principal duties were covered by a hired staff member. The Superintendent was always available and every situation was handle reasonably and appropriately.

13. Delphic school now has a Comprehensive School Safety Plan in place. However, it has not been customized to meet the needs of this specific school as required by state law. The plan must incorporate input from law enforcement, staff and parents. The safety plan does not adequately address what to do in the case of an intruder or a weapon-wielding student. When asked, the staff stated that the plan was to call 911. The school is working to improve the secretary's line of sight of those entering the school as recommended by last year's Grand Jury.

We disagree. Delphic Elementary School has always had a Comprehensive School Safety Plan in place modeled after the one from the Siskiyou County Office of Education but tailored to fit our circumstances. Also, the project to improve the Secretary's line of site is completed.

14. As in most schools, the activity of the SITE council (comprised of parents, staff, and administration) varies from year to year. Several years ago it was active but for the last few years it appears to have been less active. This year started out better with two meetings prior to January, but has lagged because of the Principal/Superintendent's emergency absence. Nearly all records of SITE Council agendas and minutes before this year have been lost in a crashed computer. Paper versions of those minutes and agendas requested by the 2006-2007 Grand Jury as well as this Grand Jury had been misplaced but were finally found by the Principal/Superintendent in her office in May 2008. The District is finding it difficult to find parents willing to serve on the School Site Council.

We agree. It is difficult at times to find parents to serve on the School Site Council.

15. Delphic school has a three-member board, two of whom are married to each other. This does not constitute a Brown Act violation. As long as they avoid discussion of school business outside of an open board meeting they are not violating any laws. The closeness of two board members does give an appearance of impropriety. However, the District is finding it difficult to attract District residents to run for School Board positions.

We agree partly. Delphic Elementary School does have a three-member board, two of which are married to each other. There has never been a complaint of a

Brown Act violation submitted to our school. It needs to be noted, there has only been one instance in over twenty years when the Board did not come to a unanimous decision before voting and it was the husband and wife voting against each other.

16. The school has a new Principal/Superintendent signature stamp and log for its usage for 2007-2008. The stamp and log used in previous years have been lost.

We disagree. We use a signature stamp at times and it was taken, not lost. It has since been returned.

17. The District has worked with the Siskiyou County Office of Education Categorical Director to upgrade its Single Plan for Student Achievement.

We disagree. Delphic Elementary School writes its own Single Plan for Student achievement.

18. The School Board is very dedicated to Delphic School and its students' success. They are capable people and see the challenges the school faces. Last year's Grand Jury recommended the board receive more training. As of this writing, two members have attended one meeting at the Siskiyou County Office of Education. The board members said it was an excellent program and disseminated the information to the other board member. All receive periodicals, newsletters, and written communications pertinent to boardsmanship from the California School Boards Association and the Small School Districts Association.

We agree. Delphic Elementary School has a very dedicated and professional School Board.

RECOMMENDATIONS:

1. The Board should work closely with the California School Boards Association and the Principal/Superintendent to continually update and manage all board policies, administrative regulations, and board by-laws.

The recommendation has been implemented. The School Board updates one section of the Board Policy Book each month at its regular meetings. Also, the Superintendent has been instrumental in bringing a CSBA workshop for Board Policy Books. This has not been done in Siskiyou County since 1997.

2. The Board and Principal/Superintendent should seek legal assistance to ensure that they hold closed sessions only for purposes identified by law.

This recommendation has already been implemented. The Board President and Superintendent have attended a seminar on the Brown Act presented by C.S.B.A. and were given the correct wording for the questionable agenda item.

3. The Board should evaluate the Principal/Superintendent on an annual basis, setting measurable goals for her. There needs to be accountability that the Principal/Superintendent duties, as described in board policy, are being performed.

The recommendation has been implemented. The Board has adopted an evaluation tool and will use it annually.

4. The Principal/Superintendent needs to obtain her administrative credential so she may evaluate employees. The school district should consider paying the costs, as a credentialed administrator would save the district money for evaluation services and improve employee performance. All employees need to be regularly evaluated.

The recommendation requires further analysis. With all the budget cuts, it is hard to predict what path the district will take.

5. The District should hire an independent school business management consultant to review the school's business management procedures. Work efficiency and procedural organization for Delphic School would improve productivity and record retention and retrieval.

The recommendation will not be implemented because it is not warranted nor is it reasonable. With the deep budget cuts set forth by Sacramento, it would not be feasible to hire an additional independent school business management consultant. The district has always had a yearly independent auditor that is paid by the district to review the school's business management procedures.

6. The District should do a thorough audit of its sick leave records. Any discovered errors should be researched and corrected.

This recommendation has been implemented.

7. The Principal/Superintendent should spend more time on campus in performance of her Principal duties in order to be more directly available to staff, students, parents, and members of the public. The Board needs to assume this responsibility to assure this leadership is present on site.

The recommendation has been implemented. The Superintendent's husband passed away September 28, 2008. The Superintendent is back to work on campus six to seven days a week and putting in as many as sixteen hours a day. This is the kind of person she was, is and always will be. She will be forever grateful to those who found a way for her to continue to do her job using modern technology and still care for her husband during his last days.

8. The Board should have a discussion with the Principal/Superintendent about how she should account for the paid time that she spends away from campus. The Board should expect and the school should receive full-time work for full-time pay.

The recommendation has been implemented. The Superintendent worked more than an eight-hour day five days a week for the school from her home. There are many Superintendents that are able to get their work done without being on a school campus. However, this is no longer an issue. As previously stated, the Superintendent's husband passed away September 28, 2008. The Superintendent is back to work on campus six to seven days a week and putting in as many as sixteen hours a day. This is the kind of person she was, is and always will be. She will be forever grateful to those who opened their minds and found a way for her to continue to do her job using modern technology and still care for her husband during his last days.

9. The School Site Council, Board, and Principal/Superintendent should work to modify and expand the Comprehensive School Safety Plan and include plans for situations such as chemical spills, bomb threats, intruders, etc. Parents, staff, emergency services, and law enforcement should be consulted in the upgrade process. The plan should include evacuation sites for various emergency situations, outside meeting places, lock-down procedures, and methods to quickly communicate with parents. This plan should be reviewed with staff frequently.

The recommendation has been implemented. The School Site Council and the Superintendent reviewed and modified the School Safety Plan at the January School Site Council meeting.

10. The Board members' and Principal/Superintendent's commitment to the school needs to be expanded to include continuing their own education concerning school laws and educational programs.

School law education has always been an on-going goal at Delphic. The Superintendent and the Board will continue to attend training as recommended with the availability of funds.

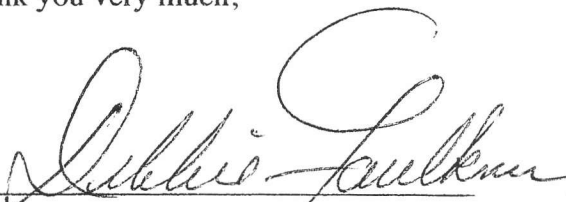
11. The Principal/Superintendent, School Board, and staff should pursue creative avenues for increasing parental involvement in the School Site Council.

The recommendation has always been implemented. Increasing parental involvement will continue to be a goal in our district. Every year we try different ways to generate more parental involvement.

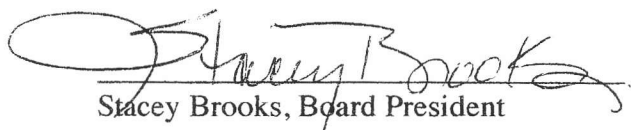
12. The School Board, Principal/Superintendent, and community should strive to enlist district residents to run for or fill vacant board positions when necessary.

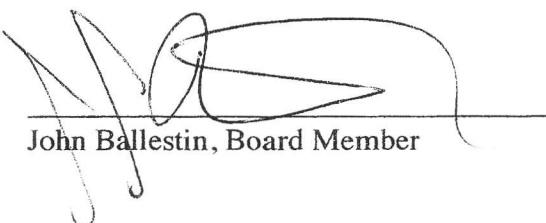
The recommendation to find different board members will not be implemented because we are very fortunate and grateful for the dedicated and hardworking School Board members we presently have. These people were voted into office because the people trusted them. They all give their time because they care about Delphic Elementary School. When the voters want a change, the voters will have to vote for a change. Open and fair elections are the American Way, and we would welcome any others that may wish to run for public office. Until then, we will count our blessings to have these devoted people. As with everything else, the Board of Trustees welcomes public input.

Thank you very much,


Debbie Faulkner, Superintendent / Principal


Rick Brooks, Board Clerk


Stacey Brooks, Board President


John Ballestin, Board Member